

REMARKS

This is a full and timely response to the above-identified, non-final Office Action. Reexamination and reconsideration of the application in light of the following remarks are requested.

Claims 1 through 48 were originally filed in the instant application. Claims 1 through 28 were cancelled and, pursuant to a restriction requirement and a subsequent election, claims 37 through 48 were withdrawn from consideration, leaving claims 29 through 36 subject to continued prosecution.

Claims 29 through 36 remain pending and under consideration and of these claims, claims 29, 30 and 35 are the independent claims. No claims have been cancelled. Claims 30 and 36 have been amended. Claims 49 and 50 have been added.

Claims 30 and 36 were rejected under 35 U.S.C. 112 and claims 29 through 36 were rejected under 35 U.S.C. 102.

The Restriction Requirement and Traverse

The above-noted restriction requirement was followed by an election with traverse. The Examiner notes that the traversal was made on the grounds that the examination of

the pending claims would not be a serious burden on the Examiner. The Examiner countered that a serious burden may be shown by finding separate classification, different fields of search, and the like, for the differing groups of claims. The Examiner found this to be the case and made the restriction requirement final while acknowledging the request for rejoinder upon allowance of elected claims.

The Examiner, however, has not acknowledged that the ~~restriction requirement included a great number of claims~~ (1 through 28) that were cancelled with the election. This obviously reduced any possible burden on the Examiner. More importantly, it appears that where there are claims that recite a product, a complete search would include the method of making that product. Otherwise, the Examiner would be dependent on others placing all references that are pertinent to the instant invention, by cross-referencing and the like, into the Examiner's field of search. In any event, the request for rejoinder under MPEP 821.04 upon allowance of elected claims is maintained.

The Objection to the Drawings

The Examiner finds that the drawings do not, as required, reflect the invention as claimed. The claims recite that the reflective layer lies on the inner

circumference of the fluorescent layer. This is not the case. The reflective layer, in fact, lies on the outer circumference of the fluorescent layer. The inaccuracy is with the claims, not with the drawings. The drawings are deemed to be entirely correct. The Examiner apparently would agree. In the rejection under 35 U.S.C. 112, the Examiner stated that the examination will proceed according to the drawings rather than the claims on the placement of the reflective layer. Accordingly, the objection to the drawings is traversed.

The Rejection of Claims 30 and 36 Under 35 U.S.C. 112

Claims 30 and 36 were rejected under 35 U.S.C. 112 as being indefinite. The Examiner indicates that, based upon the drawings, the reflective layer is formed on the outer circumference of the fluorescent layer rather than being formed on the inner circumference of the fluorescent layer, as recited in claims 30 and 36. Further, the Examiner stated that the examination would proceed based upon the drawings rather than the claims. The Examiner was entirely correct. Claims 30 and 36 have been amended to recite "outer" as opposed to "inner."

In accordance with the above discussion, this rejection is deemed to be no longer appropriate.

The Rejection of Claims 29 through 36 under 35 U.S.C. 102

Claims 29 through 36 were rejected under 35 U.S.C. 102(b) as being anticipated by Kato. This rejection is also respectfully traversed.

In essence, the Examiner's rejection appears to rely on two grounds. First, the Examiner relies upon Kato, a Japanese reference. This reference was disclosed by the Applicant. However, unless the Examiner can read and understand Japanese, the Examiner was obviously referring from an English translation of that reference. No English translation was furnished to the Applicants. The Japanese reference is not the same as the English translation of that reference. Thus, the Examiner has failed to furnish the best reference as required. Moreover, without having that reference, a meaningful response to this rejection cannot be made. The Applicants should not be forced to accept the Examiner's interpretations of the reference.

Applicants only have the specification's description of the Japanese reference on pages 1 and 2 and a one paragraph abstract that is less descriptive than the specification. (There is no grid mentioned and no figure relating to structure.) It should be remembered that the instant application was, in essence, furnished by Sony

Corp. There was no need to obtain an English translation until the Examiner employed such. The reference employed by the Examiner is requested.

The second grounds for the rejection is the Examiner's view that patentability of a product claim cannot rely on a method limitation. The Examiner's rejection is made on the basis of statute but, in the body of the rejection, the Examiner refers to the MPEP which, while it is an ~~instruction to the Examiner, it is clearly not law.~~ There is nothing in whatsoever in '102(b) itself that prohibits the mixing of two statutory classes of invention (35 U.S.C. 101) to avoid the application of a '102 rejection. An explanation, based on the interpretation of '102(b) is requested.

This rejection cannot be maintained and should be withdrawn.

The Added Claims

The claims added by this amendment define inventions to which the Applicants are deemed to be entitled and further, are deemed to clearly avoid any issues relating to the mixing of statutory classes of invention.

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Conclusion

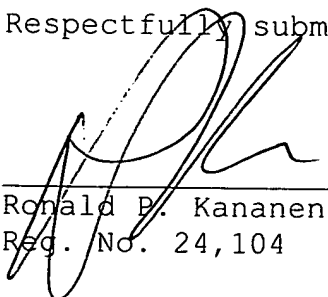
Without more, Applicants submit that the claims are allowable over the cited reference. The dependent claims are also allowable for at least the reasons given above with respect to the independent claims and because they recite features which are patentable in their own right. Individual consideration of the dependent claims is requested.

Because all claims herein are believed to be allowable, the early passage to issue of the instant application is respectfully solicited.

The Applicant appreciates the acknowledgement of the claim of foreign priority but has failed to acknowledge the receipt of priority documents in support of that claim.

In the event that the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is invited to telephone the undersigned attorney at the below-listed number.

Respectfully submitted,



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